

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ROBIN BLAKE COMBS, SR.,

11 Plaintiff,

12 v.

13 WASHINGTON STATE,

Defendant.

CASE NO. C12-5280 RBL-KLS

ORDER ON MOTION FOR  
RECONSIDERATION

[Dkt. # 110]

14 THIS MATTER is before the Court on Plaintiff's Motion for Reconsideration [Dkt.  
15 #110] of the Court's Order [Dkt. #103] Denying in Part his Motion to Compel [Dkt. #89]  
16 information about medications he was given and potato chips he was served.

17 Pursuant to Local Rule 7(h)(1), motions for reconsideration are disfavored, and will  
18 ordinarily be denied unless there is a showing of (a) manifest error in the ruling, or (b) facts or  
19 legal authority which could not have been brought to the attention of the court earlier, through  
20 reasonable diligence. The term "manifest error" is "an error that is plain and indisputable, and  
21 that amounts to a complete disregard of the controlling law or the credible evidence in the  
22 record." Black's Law Dictionary 622 (9th ed. 2009).

1       Reconsideration is an "extraordinary remedy, to be used sparingly in the interests of  
2 finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d  
3 877, 890 (9th Cir. 2000). "[A] motion for reconsideration should not be granted, absent highly  
4 unusual circumstances, unless the district court is presented with newly discovered evidence,  
5 committed clear error, or if there is an intervening change in the controlling law." *Marlyn*  
6 *Natraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). Neither  
7 the Local Civil Rules nor the Federal Rule of Civil Procedure, which allow for a motion for  
8 reconsideration, is intended to provide litigants with a second bite at the apple. A motion for  
9 reconsideration should not be used to ask a court to rethink what the court had already thought  
10 through — rightly or wrongly. *Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D.  
11 Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for  
12 reconsideration, and reconsideration may not be based on evidence and legal arguments that  
13 could have been presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT &*  
14 *T Co.*, 363 F.Supp.2d 1253, 1269 (D. Haw. 2005). "Whether or not to grant reconsideration is  
15 committed to the sound discretion of the court." *Navajo Nation v. Confederated Tribes & Bands*  
16 *of the Yakima Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

17       Plaintiff's Motion for Reconsideration does not meet this standard. He has not shown  
18 that his motion is anything other than a "second bite at the apple." He has not met the articulated  
19 standard for Reconsideration, and the Court will not reconsider its prior rulings.

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1 The Motion for Reconsideration of the Order Denying in Part Plaintiff's Motion to  
2 Compel [Dkt. #110] is DENIED.

3 IT IS SO ORDERED.

4 Dated this 23<sup>rd</sup> day of May, 2013.

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7 RONALD B. LEIGHTON  
8 UNITED STATES DISTRICT JUDGE

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